

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

HARBOR INVESTMENT ADVISORY, LLC,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. H-13-0580
	§	
MGL CONSULTING LLC,	§	
	§	
Defendant.	§	

**FINAL JUDGMENT**

At a hearing held on June 25, 2013, counsel for both parties appeared and presented argument on the motion for summary judgment filed by Harbor Investment Advisory, LLC. At the hearing, MGL Consulting LLC acknowledged that the undisputed facts showed the absence of any damages resulting from Harbor Investment Advisory, LLC's alleged violation of Section 8.16 of the parties' Base Services Agreement. MGL Consulting LLC acknowledged the absence of evidence that could support this element of the breach-of-contract claim. MGL Consulting LLC also acknowledged that the absence of any actual damages made the liquidated damages provision in Section 8.16 of the parties' Base Services Agreement unenforceable under the circumstances. As a result, MGL Consulting LLC stated that it did not oppose this court granting Harbor Investment Advisory, LLC's motion for summary judgment and entering final judgment.

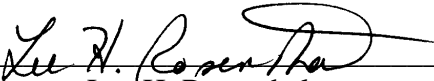
For these reasons, this court grants summary judgment in favor of Harbor Investment Advisory, LLC and declares that:

- Harbor Investment Advisory, LLC did not breach Section 8.16 of the Base Services Agreement;
- The liquidated damages provision of Section 8.16 is unenforceable in this case;

- MGL Consulting LLC take nothing on its counterclaims, which are dismissed with prejudice.

This is a final judgment.

SIGNED on June 26, 2013, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge